HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.5848 of 2006.

Date of decision : 27.11.2006

Bhagwan Shri Parshu Ram Mandir **.....Petitioner**

versus

Baldev Singh and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.H.S.Saggu, Advocate for the petitioner.

* * *

ORDER

HEMANT GUPTA, J. (Oral)

This order shall dispose of Civil Revision No.5848 of 2006 arising out of a suit filed by the plaintiff for permanent injunction and Civil Revision No.5789 of 2006 arising out of another suit filed by the respondent claiming permanent injunction.

It has been found, inter-alia, by the learned First Appellate Court that the respondents have relied upon a Civil Court decree dated 4.9.1990 whereby the possession of the respondents over the suit land is established. The petitioner is claiming interest in the property by virtue of Gift deed dated 5.6.2003 executed by Surinder Kumar who was the party in the said suit. It has been found that since the predecessors-in-interest of the petitioner was party in the civil suit, therefore, the petitioner cannot be said to be in possession of the suit property on the basis of registered Gift Deed executed in the year 2003.

It may be noticed that the petitioner intends to raise construction on the suit property as owner on the basis of the said Gift

deed. The dispute regarding the title is yet to be examined by the learned trial Court, therefore, the petitioner cannot be permitted to raise construction when the title of the suit property itself is in controversy.

In view of the above, I do not find any illegality or irregularity in the orders passed by the Court below which may warrant interference by this Court in its revisional jurisdiction.

Dismissed.

It is needless to say that if the respondents raise any construction over the suit property during the pendency of the present suit, that will not give any equitable or legal right in favour of the respondents if ultimately the petitioner prove its title over the suit property.

(HEMANT GUPTA)
JUDGE

November 27, 2006
**mohinder*